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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,043	10/24/2003	H. Charles Li	14698.005US	1547
22870	7590	02/08/2005	EXAMINER	
TECHNOPROP COLTON, L.L.C.			FETSUGA, ROBERT M	
P O BOX 567685			ART UNIT	
ATLANTA, GA 311567685			PAPER NUMBER	
			3751	

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/693,043	Applicant(s) LI ET AL.	
	Examiner Robert M. Fetsuga	Art Unit 3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 6, 9-15, 17 and 19-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 9-15, 17 and 19-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The indication of allowability of claims 8, 16 and 18-30 in the Office action mailed October 6, 2004 is hereby rescinded.

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Proper antecedent basis for the "feed water inlet" set forth in claims 1, 9, 17 and 19, "structured to hold the elongated member" language set forth in claims 1, 17 and 19, "showers" and "water filtering system" set forth in claims 6 and 15, and "attachment means" and "internal structure" set forth in claim 20, could not be found in the specification. Applicant is reminded claim terminology in mechanical cases should appear in the descriptive portion of the specification by reference to the drawing(s).

3. Claims 1, 9, 17 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is unclear as to whether the "supporting structure" is intended to be part of the claimed combination since structure of the "device" is defined as being connected thereto (lns. 10-11), but no positive structural antecedent basis

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therefor has been defined. Claims 9, 17 and 19 are similarly indefinite.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 5, 6, 17, 19-23 and 25-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson.

The Johnson reference discloses a device comprising: an elongated member 32 including a first chamber 64, a second chamber 67, a feed water inlet (at 34), a divider 58,60 including distribution slots 52, and a waterfall slot 36; a first end piece 34 including a channel/internal structure (Fig. 5); a water source 30; a second end piece 34; a supporting structure 10; and attachment means (Figs. 2 and 3), as claimed. Re claim 1, elements 42 and 44 are capable of being used as a handle in the functionally recited manner.

6. Claims 1-3, 5, 6, 9-15, 17 and 19-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Chartier.

The Chartier reference discloses a device comprising: an elongated member 34 including a first chamber (defined by 32), a

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second chamber 33, a feed water inlet (at 31), a divider 32 including distribution slots 44, and a waterfall slot 47; a first end piece 28 including a channel/internal structure (col. 3 lns. 36-37); a water source 16; a second end piece 29; a supporting structure 62; and attachment means (Fig. 1), as claimed. Re claim 1, element 49 is capable of being used as a handle in the functionally recited manner, especially considering the embodiments disclosed at column 5, lines 49-55. Re claim 9, the end pieces 28,29 are circular and therefore are capable of rotation in the functionally recited manner.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

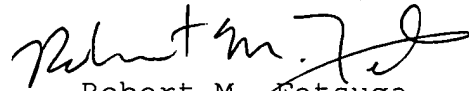
The Berven, Gable, Kohler and Hotz references disclose various devices having features in common with the instant invention.

8. Applicant is referred to MPEP 714.02 and 608.01(o) in responding to this Office action.

9. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

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10. Any inquiry concerning this communication should be directed to Robert M. Fetsuga at telephone number 571/272-4886 who can be most easily reached Monday through Thursday.

A handwritten signature in black ink, appearing to read 'Robert M. Fetsuga', with a stylized flourish at the end.

Robert M. Fetsuga
Primary Examiner
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